IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3219 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 NO

BIRLA CELLULOSIC (A UNIT OF CRASIM INDUSTRIES LTD.)

Versus

BHARUCH JILLA AUDHYOGIK KAMDAR SANGH

Appearance:

1. Special Civil Application No. 3219 of 2002

MR KS NANAVATI for NANAVATI ASSOCIATES for Petitioner

MR MUKUL SINHA for Respondent

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 06/05/2002

ORAL JUDGEMENT

1. RULE. The learned counsel for the respondent waives service.

2. After the matter being heard at some length and the negotiations between the parties, the learned counsel have expressed their consensus broadly in the following terms:

3. The impugned order in Reference (IT) No.73 of 2001 pending before the Industrial Tribunal, Vadodara is an interim order below Exh.8, whereby, practically, the benefits which the workmen concerned would have been entitled had they continued in service and been under suspension have been granted. The petitioner has serious legal and preliminary objections to the approach adopted by the Tribunal and the learned counsel for the respondent has vehemently supported the order invoking the fundamental right to life also.

4. Without prejudice to the rights and contentions of the parties and without expressing any opinion on their merits, it was suggested and accepted that some equitable arrangement may be continued till the final disposal of the main reference. The petitioner agreed to pay a lumpsum amount of Rs.20,000/- to each of the workmen concerned in two equal installments, the first being within one month from today, with the assurance that the petitioner shall complete its part of the evidence latest by 15.12.2002 subject to full cooperation being extended by the respondent. It was agreed, understood and undertaken before this Court that both the parties shall fully cooperate in the earliest possible disposal of the main reference and shall not ask for any unnecessary adjournments but, instead, try to have the hearing being conducted, as far as possible, on day-to-day basis. Therefore, it would be for the Tribunal to adjust the hearing and try to dispose the main reference as expeditiously as possible which is, otherwise also, the duty enjoined upon it by the express provisions of the Industrial Disputes Act. The learned counsel for the respondent submitted that as soon as the evidence of the petitioner is closed, the respondent shall lead its evidence and within two months complete its part of evidence and hearing. The learned counsel for the petitioner also submitted and it is agreed that all the preliminary and legal contentions of the petitioner may also be heard and decided after leading of the evidence.

5. On the above understanding, the petitioner is directed to pay to each of the workmen a sum of Rs.20,000/- in two equal installments, the first being within one month from today, and lead its part of the evidence as expeditiously as possible and close the same

by 15.12.2002. The respondent shall also abide by the statement recorded hereinabove. The Tribunal is directed to accord due priority to this case and try to dispose the whole reference on merits as expeditiously as possible. In view of this arrangement and order, it is also understood and agreed by the parties that the proceedings shall not be prolonged by any interlocutory proceedings. Therefore, subject to the priority of the work in the Tribunal, Vadodara, there should not be any difficulty in disposing the whole reference within a reasonable time and before or, as soon as may be, immediately after 15.12.2002. The parties shall, however, have liberty to apply, in case of difficulty, to this Court.

6. In view of the aforesaid consensus and without pronouncing upon the merits of the contentions of either side, the impugned order dated 8.2.2002 below Exh.8 passed by the Industrial Tribunal, Vadodara in Reference (IT) No.73 of 2001 is hereby set aside. The petition is accordingly allowed and Rule is made absolute with no order as to costs.

Sd/-

(D.H.Waghela, J.)

06.5.2002
(KMG Thilake)